

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

-----X

ROBERT L. MCAFEE,

Plaintiff,

-against-

**STEVENS TRANSPORT and DAVID
B. DURAN,**

Defendants.

-----X

NOTICE OF REMOVAL

Defendants Stevens Transport, Inc. and David B. Duran remove this action from the Supreme Court of the State of New York, Livingston County to the United States District Court for the Western District of New York.

1. The plaintiff commenced this action against Stevens Transport, Inc. and David B. Duran in the Supreme Court of the State New York, Livingston County. A copy of the summons and complaint is included in the index as **Exhibit A**; the answer of Stevens Transport, Inc. is included in the index as **Exhibit B**.

2. The plaintiff is a citizen of the State of New York and was a citizen of the State of New York when this action was started in state court.

a) Robert L. McAfee is (and was) a citizen of the State of New York.

3. The defendants are citizens of a state other than the State of New York and were citizens of a state other than the State of New York when this action was started in the state court.

a) Stevens Transport, Inc. is a corporation incorporated under the laws of the State of Texas with its principal place of business in the State of Texas.

b) David B. Duran is (and was) a citizen of the State of Texas.

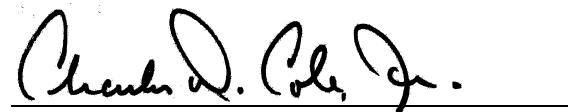
4. The plaintiff seeks damages in excess of \$75,000 exclusive of interest and costs, which damages were first explicitly specified in a paper and received on February 9, 2022.

5. The court has subject-matter jurisdiction over this action under section 1332(a)(1) of the Judicial Code, 28 U.S.C. § 1332(a)(1), because this action—both now and when it was started in state court—is between citizens of different states and the amount in controversy exceeds the sum or value of \$75,000 exclusive of interest and costs.

6. The defendant may, under section 1441(a) of the Judicial Code, 28 U.S.C. § 1441(a), remove this action to this court because this is a civil action of which the district courts of the United States have original jurisdiction that is brought in state court.

7. All defendants join in the removal of this action to this court.

Dated: New York, New York
February 10, 2022



Charles D. Cole, Jr.
Newman Myers Kreines Harris, P.C.
Attorneys for Defendants Stevens Transport, Inc.
and David B. Duran
40 Wall Street
New York, New York 10005-1335
(212) 619-4350
dcole@newmanmyers.com